

Mayor Orders New Year's Public Drinking Stopped at 3 A. M.

Partly cloudy to-night and Thursday; warmer.

FINAL EDITION

The



World.

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U. S. BLUNTLY RENEWS ANCONA DEMANDS TO DISAVOW AND PUNISH U-BOAT CAPTAIN

NEW YEAR'S "LID" GOES ON WHEN 3 O'CLOCK STRIKES IS THE MAYOR'S DECISION

Order Considered Compromise to Protests Made by Anti-Saloon Men and Ministers. STRICT OVER LICENSES. Only Respectable Places Will Get Them—Regular All-Night Saloons Stay Open.

Mayor Mitchell to-day offered a compromise to the Anti-Saloon League and the scores of ministers who have written him demanding that he refuse to grant all night liquor licenses to cabarets and other places of amusement on New Year's Eve.

Last year the cabarets and lobster palaces of every description coming under the all night license permits were permitted to do business uninterrupted until 5 o'clock in the morning.

What the Mayor proposes doing this year is to grant permits which will remain in force only until 2 o'clock. The Mayor's intentions were made known in a letter written by him to William H. Anderson, State Superintendent of the Anti-Saloon League. The letter follows:

My Dear Mr. Anderson: Your letter of Dec. 13 has been received. It is certainly not my intention to take any action with reference to all-night licenses on New Year's Eve which would encourage excessive drinking and revelry. We must recognize, however, the fact that it is the custom in this town of many years standing for an unusually large number of people to go to restaurants on New Year's Eve.

In recognition of this it seems to me wise to grant, as the law empowers me, to restaurants of good reputation a special license which will enable more people than usual to take a late supper on this one night of the year.

Most of those who go to restaurants go merely to celebrate with their friends the coming of the new year, without the disorder to which you object. Permission to

(Continued on Fourth Page.)

MONRO RECALLED FROM DARDANELLES

Sir Archibald Murray Takes Place of the Successor of Gen. Hamilton.

LONDON, Dec. 22.—Lieut. Gen. Sir Archibald Murray has been appointed to succeed Sir Charles Monro as British commander at the Dardanelles, says an official statement issued this afternoon.

The official announcement follows: "Gen. Sir Douglas Haig, having assumed supreme command of the British forces in France and Flanders, Gen. Sir Charles Monro will succeed him in command of the First Army."

"Lieut. Gen. Sir Archibald Murray, chief of the Imperial General Staff, will succeed Sir Charles Monro."

"Lieut. Gen. Sir William Robertson, now chief of the General Staff in France, will become chief of the Imperial General Staff, with the temporary rank of general, with Major Gen. R. Whigham as his deputy."

"Major Gen. Kiggell, now assistant to the chief of the Imperial General Staff, will become chief of the General Staff of Sir Douglas Haig."

LLOYD M. BINGHAM DIES ABROAD WITH FORD PEACE PARTY



LLOYD M. BINGHAM. Husband of Noted Actress Had Been Liveliest Entertainer on Trip Over Sea.

CHRISTIANIA, Dec. 22.—Lloyd M. Bingham, a member of the Ford peace party, husband of Amelia Bingham, noted American actress, died here to-day of pneumonia.

Mr. Bingham, who was one of the first to accept Mr. Ford's invitation, accompanied the expedition as an official entertainer. He made many friends among the peace delegates, but his bohemianism offended some of the more Puritanical of the voyagers. They succeeded in having called off the concert Mr. Bingham had arranged to be held in mid-Atlantic and urged that he be left behind at Christiania.

Mr. Bingham became ill in the midst of this disapprobation. He contracted pleuro-pneumonia aboard ship and was removed to a hospital the day after the Oscar II. reached Christiania.

Arrangements are being made to ship his body back to New York.

The death of the party's chief entertainer threw a shadow over the Ford arrangements to-day, and it is possible meetings scheduled for this afternoon will be cancelled.

Lloyd Melville Bingham was about fifty years old. He was an actor known as Lloyd Melville when he met Amelia Smiley at Hicksville, O., and launched her on a successful stage career. Mr. Bingham for years had been his wife's manager. About ten years ago he had some success as a broker in Wall Street. He was a member of many clubs, including the Lambs and the Elks; he was an enthusiastic Mason; a member of Crest Lodge, No. 402, had attained the thirty-second degree, and was High Priest of Mecca Temple of the Order of the Mystic Shrine.

The home of the Bingham is at No. 105 Riverside Drive. Amelia Bingham has been with the William H. Crane Stock Company, which is at Austin, Texas to-day.

Mr. Bingham went with the Ford peace party against the wishes of his wife. He had been an intimate friend of Henry Ford for several years.

CITY PARTLY WINS IN FIGHT TO OUST EDISON ELECTRIC CO.

Referee Nicoll Holds, However, Original Franchise Has Some Standing.

HIGHER COURT TO SAY.

City Proceedings Were to Forfeit, and Decision Does Not Clear Up Case.

De Lancey Nicoll, referee in the long-pending suit of the city against the Edison Electric Illuminating Company of Brooklyn and the Amsterdam Electric Light, Heat and Power Company to forfeit the electric lighting franchise in the old Thirtieth Ward of Brooklyn filed in the County Clerk's office this afternoon his opinion.

Mr. Nicoll holds that the Edison Company, which sought to monopolize the electric lighting of Brooklyn, has no standing in court, no right to possession of the franchise and this being the case cannot operate it.

The Amsterdam Company, however, is given a standing by the referee. On the point whether the franchise was forfeited years ago, as claimed by the city, by reason of failure to construct the required conduits and perform certain operations, Referee Nicoll says:

"I conclude that the franchise was not lost through the manner in which the Amsterdam Company attempted to comply with the provisions of the seventh clause of the resolution. It has, at least, the right to operate the system which it created prior to July 1, 1900, and that right is entitled to protection in the courts."

According to representatives of the city there is to be determined in the future the question of whether the franchise, so far as the Amsterdam Company is concerned, has been forfeited through failure to comply with the terms and conditions of the franchise and operate it for the benefit of the public.

Referee Nicoll sums up the decision as follows:

"The conclusion at which I have arrived is that the complaint should be dismissed as to the plaintiff Edison Electric Illuminating Company of Brooklyn; and that the plaintiff Amsterdam Electric Light, Heat and Power Company is entitled to an injunction restraining the defendants from passing any resolution purporting to revoke the resolution of Dec. 30, 1895, or to forfeit the rights of said plaintiff thereunder, or to prosecute the bond given in pursuance of said resolution. Findings in accordance with this opinion may be submitted."

Mr. Burr said: "A hasty glance at the opinion seems to me to show clearly that the Edison Company has no standing in court, has suffered no irreparable damage as claimed and has no right to use the franchise."

"The Amsterdam company must stand alone, and now the question reverts to whether this latter company, that went out of business years ago and ceased to operate the franchise has forfeited its rights to it. I think that the higher courts will decide that it did lose the right."

"The Amsterdam company abandoned its plant in 1899 and operation of it has been carried on since by the Edison Company. This latter corporation has no right to do so further."

"The question is whether the defunct Amsterdam Company can be revived and seek to carry out the required terms of the original franchise which specified conditions of time to carry

ANCONA SURVIVOR SAYS U-BOAT SHOT AT THE LIFEBOATS

De Marco Saw Woman Killed by Shell as She Was Rowed From Liner.

VESSEL WAS STOPPED.

Submarine's Fire Continued, However, After the Engines Were Shut Off.

The first of the survivors of the steamship Ancona, torpedoed in the Mediterranean by an Austrian submarine, reached New York to-day with a thrilling tale of his adventures on the Italian ship. The survivor, Giovanni De Marco, declared positively that the ship was stopped when the first torpedo was fired and that he saw the Austrian guns fired again and again on the defenseless women and men and children after they were in the lifeboats.

De Marco, an intelligent lad of fifteen years, was a member of the Ancona's crew. He arrived on the Fabre Line steamship Patria.

"I was below when the first word came that a submarine had been sighted," said De Marco, "and I rushed on deck with many others. The little boat was then coming toward us. We all wondered what would happen when the ship began to stop."

"There was no doubt of this. The engine had stopped and she was going slower and slower. Then a shot was fired by the submarine at our wireless and hit it. At that time the Ancona was moving very slowly because it was impossible to overcome her momentum."

"Then the shots came thick and fast and, of course, there was excitement. The crew, however, did all they could to lower the boats and get the passengers in them. The women were put off and then members of the crew tried to save themselves. I was on the upper deck. I saw a boat below me going away that carried only a few and I jumped into it. There were four women in the lifeboat besides those who manned it."

"I should say that there were forty shots fired right at first. After there were other shots. They were aimed at the lifeboats. They did not hit the one that I was in, but near me was a boat in which was a man and a woman passenger and a shot was fired at them that did hit. The woman was killed instantly and the man had his hand blown off. I do not know what became of them."

ing on operations. I maintain that it has failed to comply with the conditions, that the specified time has elapsed and that the franchise must ultimately be forfeited."

The case is much complicated by the fact that the Edison Company owns all the stock of the Amsterdam Company, having been allowed by the Public Service Commission last year to acquire the remaining twenty-two shares outstanding. The permit was the subject of exposure and much controversy recently before the Thompson legislative committee investigating the commission.

The Edison Company also owns a large block of Amsterdam bonds and claimed to have a formal lease of the latter's property. The referee denies the claim of a lease, but maintains that the franchise itself still remains intact in the Amsterdam Company's possession. The referee says:

"The Amsterdam Company was not dissolved. It preserved its corporate existence and organization throughout."

GERMANY'S BANISHED MILITARY ATTACHE AS HE SAILED AWAY TO-DAY



CAPT. FRANZ VON PAPEN. German Military Attache, Forced to Go, Thanks Americans for Kindness.

KAISER WILHELM III, POSTPONES HIS TRIP

Overseas Agency Says It Is "A Slight Inflammation of the Cellular System."

BERLIN, Dec. 22 (by wireless to Sayville).—Emperor William has postponed the trip he had planned making to the western front, the Overseas News Agency announces, a slight indisposition making it necessary for him to remain indoors for a few days.

The Agency's announcement describes the Emperor's ailment as "a slight inflammation of the cellular system."

LONDON, Dec. 22.—An official message received here to-day from Berlin describes Emperor William's illness as "selbsteubenzuendung" (more frequently given as "bindegewebeentzuendung").

An authoritative medical publication gives the term "cellulitis" and describes it as follows: "Inflammation of cellular or loose connective tissue, chiefly subcutaneous, but also of that between muscles and viscera, or surrounding various organs. It is characterized by the same spreading or atonic character as erysipelas and is circumscribed or diffuse."

GERMAN TOWN WRECKED BY POWDER EXPLOSION

LONDON, Dec. 22.—According to advices to the Amsterdam Telegraph, forwarded by Reuters correspondent, a powder factory and several ammunition depots at Munster, Westphalia, have been blown up.

Great damage was done to the town, the newspaper adds.

CHRISTMAS SPECIALS
512 Men's Overcoats and Suits, \$5.95. THE "HUB" Clothing Corner, Broadway, cor. Barclay St. opp. Woolworth Building, will sell to-day and Thursday 1,000 Men's Suits and Overcoats, fine black, blue, gray, pencil stripes and dark mixed worsted; all sizes, 34 to 44. Worth \$12 in any other store. Our special price to-day and Thursday, \$5.95. Also large variety of Anstrachan Linen Overcoats, \$29 value, \$14.75. Open evenings till Christmas. The Hub Clothing, Broadway, corner Barclay street.—Adv.

VON PAPEN SAILS; SAYS HISTORY WILL CLEAR HIS RECORD

German Military Attache, Forced to Go, Thanks Americans for Kindness.

PRaises U. S. SOLDIERS.

Crowd of Friends See Him Sail on Noordam—Many Presents Are Sent.

Practically surrounded by cases of champagne, boxes of provisions of all kinds, thirty-six bottles of specially sealed milk and a keg of sauerkraut, the Christmas gifts of friends and admirers, Capt. Franz von Papen, former military attache of the German Embassy, recalled by his Government at the request of President Wilson, bade farewell to a large crowd of well wishers on the deck of the Holland-America liner Noordam to-day.

For an hour before the steamship left her pier Capt. von Papen was easily the centre of interest on board, and when the vessel had backed out and headed down the North River a throng of his friends flocked at the end of the pier and cheered him again and again.

Capt. von Papen was an early arrival at the pier. A crowd of friends accompanied him and others arrived later. Trucks had been unloading cases and packages consigned to him all morning. It appeared from the volume and variety of the food supplies sent to him that he contemplated maintaining a private commissary on the voyage across the Atlantic. The stout keg of sauerkraut rested on top of a case of champagne. It was labelled "From an ardent admirer."

Capt. von Papen had prepared a written statement for publication. He refused to say anything in addition to the sentiments expressed in the statement, which read as follows: "In leaving this country, where I have received so many proofs of kindness and hospitality from Americans and others, I feel it my duty to thank all those who did not permit their friendly personal feelings to be poisoned by the hatred created by the war among the nations."

"My thoughts turn back to-day especially to the unforgettable days which I had the honor and good fortune to spend with the headquarters of the expeditionary force at Vera Cruz, where I learned to admire the

(Continued on Second Page.)

WILSONS ON ROUGH RIDE BY AUTO IN MOUNTAINS

Drive Through Streams With Water Up to Wheel Hubs—Cause Stir in West Virginia.

HOT SPRINGS, Va., Dec. 22.—The President and Mrs. Wilson to-day motored over to White Sulphur Springs, W. Va., for luncheon. The ride is about forty-five miles.

The drive lay over mountains and along tortuous roads cut by many streams. Few of those were bridged and the White House automobile splashed through water that came up to the hubs of its wheels. As the President and his wife passed through Covington, Va., many persons ran after their car through the streets.

At White Sulphur Springs they were unexpected and their arrival caused a stir. They appeared in the public dining room of the hotel for luncheon.

VIENNA'S PLEA REJECTED; U. S. CLOSES DISCUSSION OF SINKING OF THE LINER

Admissions of Austro-Hungarian Admiralty That Ancona Was Torpedoed With Passengers on Board Establishes Responsibility.

SINKING OF THE STEAMER AGAIN CALLED LAWLESS

LONDON, Dec. 22.—A Vienna telegram, forwarded from Amsterdam by Reuters correspondent, says that delivery to the Austrian Foreign Ministry of the second Ancona note from the United States is announced by the Neue Freie Presse.

WASHINGTON, Dec. 22.—The reply of the United States to Austria's note on the destruction of the Italian liner Ancona declares that the official admission of the Austrian Admiralty that the liner was torpedoed after she had stopped and while passengers still were on board, alone is sufficient for the American demand for disavowal, reparation and punishment of the submarine commander.

Secretary Lansing's second note, already in the hands of the Austrian Foreign Minister, and made public here to-day, renews the demands of the United States, and says the details to which Austria referred in her reply to the first American communication are in no way essential to the discussion. It emphasizes that continuance of good relations between the two countries depends upon the action of the Austrian Government.

The full text of the note, which is addressed to American Ambassador Penfield, is as follows:

"The Government of the United States has received the note of Your Excellency relative to the sinking of the Ancona, which was delivered at Vienna on Dec. 15, 1915, and has transmitted to Washington, and has given the note immediate and careful consideration."

"On Nov. 15, 1915, Baron Zwiernik, the Charge d'Affaires of the Imperial and Royal Government at Washington, transmitted to the Department of State a report of the Austro-Admiralty with regard to the sinking of the steamship Ancona, in which it was admitted that the vessel was torpedoed after her engines had been stopped and when passengers were still on board."

"This admission alone is, in the view of the Government of the United States, sufficient to fix upon the commander of the submarine which fired the torpedoes the responsibility for having willfully violated the recognized law of nations and entirely disregarded those humane principles which every belligerent should observe in the conduct of war at sea."

"In view of these admitted circumstances, the Government of the United States feels justified in holding that the details of the sinking of the Ancona, the weight and character of the additional testimony corroborating the Admiralty's report and the number of Americans killed or injured are in no way essential matters of discussion."

"The culpability of the commander is in any case established, and the undisputed fact is that citizens of the United States were killed, injured or put in jeopardy by his lawless act."

"The rules of international law and the principles of humanity which were thus willfully violated by the commander of the submarine have been so long and so universally recognized and are so manifest from the standpoint of right and justice that the Government of the United States does not feel called upon to debate them and does not understand that the Imperial and

SHE ASKS RECEIVER FOR THREE-MILLION CONCERN

Despite Its Resources, Mrs. Thompson Says Realty Corporation Can't Pay Its Taxes.

A suit in equity filed this afternoon in the United States District Court by Little E. Thompson of Stamford, Conn., asked for the appointment of a receiver for the corporation of the New York Realty Owners. Mrs. Thompson avers that she is the owner of seven bonds in the corporation. She says that in the statement of the company, filed on Jan. 1, this year, it was set forth that its resources were \$3,864,718.60, its liabilities \$1,257,561.24 and capital account obligations \$1,778,860.81.

It was further stated that \$25,600.50 was reserved for appropriation on income bonds up to Jan. 15. The company, it is claimed, has no means by which to meet its pressing debts; that it has defaulted in the payment of interest in excess of \$24,000, that preferential payments have been made to other creditors, while taxes and assessments to the amount of \$20,000 on some of the company's property remain unpaid.

PUT BAN ON KISSING IN CAMDEN EPIDEMIC

CAMDEN, N. J., Dec. 22.—Grippe and pneumonia have claimed fifty lives in two days here. The Health Department estimates there are 2,000 cases in the city. It is feared nine of the eighty cases now in hospitals will be fatal.

Two hundred and forty physicians are reported to be making forty calls daily and the epidemic has spread to such an extent that Health Officer Leavitt, who is himself a victim, has issued a warning advising any one, even if only slightly affected, to go to bed at once. He also placed a ban on kissing.

The heavy storm of a week ago started the epidemic. All suburbs are affected. Collingswood reporting fifty cases.